



**U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS**

MEMORANDUM OF AGREEMENT PROGRESS REPORT #4

REPORTING PERIOD JUNE 7, 2010 - SEPTEMBER 1, 2010
SUBMITTED: OCTOBER 1, 2010

BETH COLLEYE
INTERIM STATE SUPERINTENDENT OF EDUCATION

TABLE OF CONTENTS

- I. Introduction 1
- II. Reporting Requirements..... 2
 - 1. Initial Evaluations..... 2
 - 2. Reevaluations..... 5
 - 3. Implementation of Due Process Hearing Decisions..... 7
 - 4. Identification and Correction of Noncompliance and Verification of Placement
in the Least Restrictive Environment (LRE) 9
 - 5. Secondary Transition Plan 14
- III. Certification..... 14

I. Introduction

The Office of the State Superintendent of Education (OSSE), in compliance with the Memorandum of Agreement (MOA) executed on November 16, 2009 with the Office of Special Education Programs (OSEP), hereby presents its fourth of six progress reports as required. In its first two progress reports, OSSE sought to supplement required data with detailed narrative to specifically describe steps taken and processes used to comply with required actions. Since the submission of the second progress report on April 1, 2010, OSSE received its Verification Visit Letter on May 12, 2010 and its annual Determination on June 3, 2010. Given the overlap of areas of concern in each of these documents, OSSE is reporting required data in this MOA progress report and providing additional details regarding processes and progress in its updated corrective action plan (CAP) and CAP progress report due to OSEP on October 1, 2010 pursuant to the May 12, 2010 Verification Visit letter and June 3, 2010 Determinations letter.

II. Reporting Requirements

Initial Evaluations

The data for initial evaluations follows the FFY09 Special Conditions reporting requirements and is supplemented by additional evidence standards set in the MOA.

Reporting Period	6/7/2010 – 9/1/2010
(a) The number of children who, as of the end of the previous reporting period, had been referred for, but not provided, a timely initial evaluation and placement:	410
1. Previous Report Untimely	465
2. Late Data Entry Adjustment	55
3. New Untimely	410
(b) The number of children referred for initial evaluation and placement whose initial evaluation and placement became overdue during the reporting period	147
(c) The number of children, from (a) and (b) above, who were provided initial evaluations and placements during the reporting period:	67
1. Old Late	45
2. New Late	22
(d) The number of children who had not been provided a timely initial evaluation and placement at the conclusion of the reporting period:	490
1. Old Late	365
2. New Late (Due and held during current reporting period but held late)	125
(e) The percentage of timely initial evaluations and placements provided to children with disabilities whose initial evaluation deadlines fell within the reporting period:	73%
1. New Due	549
2. Timely	402
(f) The average number of days the initial evaluations and placements that had not been provided in a timely manner were overdue	43

The three benchmarks associated with initial evaluations for this progress report are outlined below, with OSSE's performance on each benchmark:

- Ninety percent of initial evaluations and placements provided to children with disabilities whose initial evaluation deadlines fell within the reporting period were conducted in a timely manner.

OSSE did not meet this target benchmark, as only 73% of initial evaluations and placements provided to children with disabilities whose initial evaluation deadlines fell within the reporting period were conducted in a timely manner.

- Seventy-five percent of children (a) who as of the end of the previous reporting period had not been provided a timely initial evaluation and placement (backlog) and (b) whose initial evaluation and placement became overdue during the reporting period were provided initial evaluations and placements during the reporting period. (See section 2.A 1. (a), (b), and (c) of Enclosure E of the July 1, 2009 FFY 2009 Part B grant award letter. To calculate the percentage: (c) divided by (a) + (b) times 100).

OSSE did not meet this target benchmark, as only 12% of children (a) who as of the end of the previous reporting period had not been provided a timely initial evaluation and placement (410) and (b) whose initial evaluation and placement became overdue during the reporting period (147), were provided initial evaluations and placements during the reporting period. The calculation used to derive the percentage is: $67 / (410 + 147) * 100$.

- The average number of days the initial evaluations and placements that had not been provided in a timely manner were overdue decreases from the previous reporting period.

OSSE did not meet this benchmark as the average number of days that initial evaluations and placements had not been timely provided for this progress reporting period is 43 days. The average number of days of delay for the previous reporting period was 39 days.

As part of the OSSE's FFY 2008 annual determinations, the OSSE directed the District's largest LEA, D.C. Public Schools, to utilize \$250,000 of its FFY 2010 IDEA funds to engage in activities to eliminate the backlog of initial evaluations and reevaluations. This use of funds must be aligned with a corrective action plan submitted to, and approved by, OSSE, which must include evidence of a root cause analysis and measurable benchmarks which will bring DCPS into substantial compliance.

This intervention is timely, as progress in the reduction of the initial evaluation and reevaluations backlog has stalled or regressed during this MOA reporting period. As

DCPS works toward developing its action plan, leadership has engaged in a preliminary analysis of root causes, indicating that the data reflects several issues.

First, over the summer, DCPS engaged in an extensive initiative to reduce the backlog of outstanding assessments from the prior school year and summer, particularly for students attending District charters and nonpublic schools. For the first time, DCPS began the school year with a greatly reduced backlog of assessments. However, because schools were not in session during the summer months, in many situations eligibility and IEP meetings were not timely held after the assessments were completed.

Another prevalent issue is incorrect data entry. In many instances, school personnel entered the wrong dates in the Special Education Data System (SEDS), resulting in the student's record being tagged as untimely when, in fact, evaluations and meetings were timely held. On a similar note of data management, not exiting a student from the eligibility process and the student information system, DC STARS, has resulted in student records reflecting an incomplete and late evaluation sitting long after the student exited the LEA. This is especially true for students who began the eligibility process prior to the compulsory education age.

These delays in either holding an IEP meeting or effectively managing data primarily affect students in four sectors in DCPS: DCPS schools, District charters, nonpublic schools and those being screened and evaluated by Early Stages, a facility dedicated to child find activities for the three to five year old population. As a part of the FFY 2008 determination directing the use of funds, DCPS is working with the OSSE to revise its corrective action plan to fully address these issues.

DCPS reports that they have already taken steps to address these systemic issues. First, there have been some changes in DCPS organizational structure since the last reporting period designed to create more support for each of the four sectors identified above. Starting in mid-July, DCPS restructured its Office of Special Education to add more resources to compliance activities associated with the MOA at large but the initial evaluation and reevaluations backlog in particular. First, the Monitoring and Compliance team was increased by twelve (12) staff members in order to make sure that schools in each of the 12 DCPS clusters and the District charter cluster has a representative dedicated to troubleshooting general compliance, including IEP and assessment timeliness. Additionally, DCPS increased the size of its Special Education Policy team by six (6) staff members. That team is tasked with responding to state findings of noncompliance and monitoring overall progress of backlog reduction across DCPS, nonpublic and District charter schools.

In addition, the DCPS Nonpublic Unit held five-week training for over 40 progress monitors who have each been assigned to a nonpublic school and will ensure that initial evaluations are completed at their assigned site. OSSE facilitated a portion of this

training focusing on a range IDEA compliance issues. Lastly, the Early Stages Center, which includes over 50 staff members, continues to identify and evaluate large numbers of three to five year olds as well as address older cases that had not been closed with proper due diligence documentation.

As DCPS moves forward to implement corrective actions, it has committed to undertaking a multi-pronged approach to address both meetings that have not been held and data errors, among other factors that contribute to the backlog of evaluations. In addition to official communications to schools regarding their ongoing obligations under IDEA, DCPS has committed resources to the following activities, aimed at achieving compliance with backlog reduction benchmarks:

- 1) The IEP rapid response team. For those meetings that are outstanding and unable to be handled timely by school staff due to capacity, DCPS will maintain a central team to ensure that eligibility determinations are completed so that students can access services.
- 2) Scheduling assistance. Schedulers will help both the rapid response team and school staff in scheduling the evaluation backlog meetings over the next 3 months to facilitate quicker resolution of outstanding evaluations.
- 3) Data clean-up team. The data team will use exception reporting and review of files to determine and correct situations where the evaluations have in fact been completed but are incorrectly categorized in the system due to faulty data entry or where files have not been uploaded properly.
- 4) Due Diligence team. Where a student has in fact exited the LEA entirely, this team will ensure that the proper due diligence is uploaded to the system Data systems training.
- 5) Data and IEP technical assistance. In an effort to stem a new backlog from growing, DCPS will engage in additional data and IEP training and outreach to ensure that future eligibility events are captured correctly by school-based personnel.

Reevaluations

The data for reevaluations follows the FFY09 Special Conditions reporting requirements and is supplemented by additional evidence standards set in the MOA.

Reporting Period	6/7/2010 – 9/1/2010
(a) The number of children who, as of the end of the previous reporting period, had not been provided a timely triennial reevaluation	381
1. Previous Report Untimely	408
2. Late Data Entry or Data Correction Adjustment	27
3. New Untimely	381
(b) The number of children whose triennial reevaluation became overdue during the reporting period	130

District of Columbia Office of the State Superintendent of Education (OSSE)

(c) The number of children, from (a) and (b) above, who had been provided triennial reevaluations during the reporting period	111
1. Old Late	87
2. New Late	24
(d) The number of children who had not been provided a timely triennial reevaluation at the conclusion of the reporting period	406
1. Old Late	300
2. New Late	106
(e) The percentage of timely triennial reevaluations provided to children with disabilities whose reevaluation deadlines fell during the reporting period	71%
1. New Due	450
2. Timely	320
(f) The average number of days the reevaluations that had not been provided in a timely manner were overdue	45

District of Columbia Office of the State Superintendent of Education (OSSE)

The three benchmarks associated with reevaluations for this progress report are outlined here, with the OSSE's performance on each benchmark:

- Eighty-five percent of triennial evaluations provided to children with disabilities whose reevaluation deadlines fell within the reporting period were conducted in a timely manner.

OSSE did not meet this target benchmark, as only 71% of reevaluations and placements provided to children with disabilities whose reevaluation deadlines fell within the reporting period were conducted in a timely manner.

- Seventy-five percent of children (a) who as of the end of the previous reporting period had not been provided a timely triennial evaluation (backlog) and (b) whose triennial evaluation became overdue during the reporting period, were provided triennial reevaluations during the reporting period. (See section 2.A 2. (a), (b), and (c) of Enclosure E of the July 1, 2009 FFY 2009 Part B grant award letter. To calculate the percentage: (c) divided by (a) + (b) times 100).

OSSE did not meet this target benchmark, as 22% of children (a) who as of the end of the previous reporting period had not been provided a timely triennial evaluation (381) and (b) whose triennial evaluation became overdue during the reporting period (130), were provided triennial reevaluations during the reporting period. The calculation used to derive the percentage is: $111/(381+130) * 100$.

- The average number of days the reevaluations that had not been provided in a timely manner were overdue decreases from the previous reporting period.

OSSE did not meet this benchmark as the average number of days that reevaluations had not been timely provided for this progress reporting period is 45 days. The average number of days of delay for the previous reporting period was 34 days.

Please see Initial Evaluations section of this report for additional information regarding activities initiated to address the continued low compliance rates with reevaluation requirements.

Implementation of Due Process Hearing Decisions

The data for this section of the report is generated on behalf of OSSE by the District of Columbia Public School's Office of Data and Accountability (ODA), which has been delegated the responsibility to receive and maintain the quality of data in the Blackman Jones Database, which captures the implementation of HODs for all LEAs in the District of Columbia. The District of Columbia has agreed to use the data provided by the DCPS

District of Columbia Office of the State Superintendent of Education (OSSE)

ODA for purposes of reporting the implementation of hearing officer decisions (HODs) at the state level, as stated in previous Special Conditions reports.

The data for implementation of due process hearing decisions follows the FFY09 Special Conditions reporting requirements and is supplemented by two additional evidence standards set in the MOA. The data as reported in previous MOA is outlined here:

Reporting Period	6/7/2010 – 9/1/2010
a. The number of children whose hearing officer determinations, as of the end of the previous reporting period, had not been implemented within the time frame established by the hearing officer or by the State	9 ¹
b. The number of children whose hearing officer determinations had not been implemented within the time frame established by the hearing officer or by the State (became overdue) during the reporting period:	14
c. The number of children from (a) and (b) above whose hearing officer determinations were implemented during the reporting period:	8
d. The number of children whose hearing officer determinations had not been implemented in a timely manner at the conclusion of the reporting period:	11
e. The percent of hearing officer determinations that had been implemented in a timely manner during the reporting period:	71%

In accordance with the MOA requirement for purposes of this benchmark, the data above reflects “hearing officer determinations” and does not include settlement agreements; the benchmark is also calculated on a per child basis, not per hearing officer determination, in cases where the same child has more than one hearing officer determination. A student with multiple HODs within the reporting period is only counted once. If the student has both timely and untimely/overdue HODs, he/she is only counted once as having been overdue.

¹ During this reporting period two of the eleven students whose hearing officer determinations were reported as untimely and unimplemented as of the end of the previous reporting period were subsequently deemed timely implemented based on new evidence submitted by the LEA.

District of Columbia Office of the State Superintendent of Education (OSSE)

The two benchmarks associated with the implementation of hearing officer decisions for this progress report are outlined here, with OSSE's performance on each benchmark:

- Eighty percent of hearing officer determinations were implemented in a timely manner during the reporting period.

OSSE did not meet this benchmark, as only 71% of hearing officer determinations were implemented in a timely manner during the reporting period.

- Ninety-five percent of children whose hearing officer determinations, as of the end of the previous reporting period, had not been implemented within the required time frame (backlog) and whose hearing officer determinations had not been implemented within the required time frame during the reporting period had hearing officer determinations implemented during the reporting period. (See section 2.B.1. (a), (b) and (c) of Enclosure E of the July 1, 2009 FFY 2009 Part B grant award letter. To calculate the percentage: (c) divided by (a) + (b) times 100).

OSSE did not meet this target benchmark. Only 35% of children whose hearing officer determinations, as of the end of the previous reporting period, had not been implemented within the required time frame (9) and whose hearing officer determinations had not been implemented within the required time frame during the reporting period (14) had hearing officer determinations implemented during the reporting period. The calculation used to derive the percentage is: $8/(9+14) * 100$.

Identification and Correction of Noncompliance and Verification of Placement in the Least Restrictive Environment (LRE)

During the previous reporting period, OSSE conducted several monitoring activities including on-site monitoring, database reviews and dispute resolution activities. During the current reporting period, OSSE issued written findings of noncompliance to LEAs, notifying the LEAs of noncompliance with IDEA requirements including LRE requirements. A list of the monitoring reports which informed LEAs in writing of identified noncompliance, required corrective actions and the requirement to correct the noncompliance as soon as possible and in no case later than one year from the identification of the noncompliance is included below. Due to the large volume of data involved, copies of all monitoring reports issued by OSSE to LEAs during the reporting period have been collected on CD-ROM and forwarded under separate cover.

For the June 7, 2010 – September 1, 2010 reporting period, OSSE again conducted several monitoring activities including database reviews and dispute resolution activities. As reported in the third MOA report submitted to OSEP on July 1, 2010, OSSE monitored 100 IEPs for secondary transition content on June 4, 2010. OSSE notified

District of Columbia Office of the State Superintendent of Education (OSSE)

LEAs of the findings on June 15, 2010 and informed LEAs of corrective actions required to remedy the noncompliance and that the noncompliance must be corrected as soon as possible and in no case later than one year from identification of the noncompliance.

Finally, on June 28, 2010, OSSE reviewed data from the Special Education Data System (SEDS) to report to OSEP on compliance with initial evaluation and reevaluation timelines. The three month timeline for the issuance of these reports falls within the fifth reporting period and will be reported in the fifth MOA report due January 10, 2011.

Monitoring Activity	Name of LEA	Date of Discovery of Noncompliance	Date of Notification to LEA
Nonpublic On-site Monitoring			
Nonpublic On-site Monitoring	DCPS	March 18, 2010	June 18, 2010
Nonpublic On-site Monitoring	DCPS	March 22, 2010	June 22, 2010
Nonpublic On-site Monitoring	DCPS	March 22, 2010	June 22, 2010
Nonpublic On-site Monitoring	DCPS	March 23, 2010	June 23, 2010
Nonpublic On-site Monitoring	DCPS	March 26, 2010	June 28, 2010
Nonpublic On-site Monitoring	DCPS	March 29, 2010	June 29, 2010
Nonpublic On-site Monitoring	DCPS	April 1, 2010	July 1, 2010
Nonpublic On-site Monitoring	DCPS	April 7, 2010	July 7, 2010
Nonpublic On-site Monitoring	Howard Road Academy PCS	April 7, 2010	July 7, 2010
Nonpublic On-site Monitoring	DC Preparatory PCS	April 7, 2010	July 7, 2010
Nonpublic On-site Monitoring	DCPS	April 12, 2010	July 12, 2010
Nonpublic On-site Monitoring	DCPS	April 15, 2010	July 15, 2010
Nonpublic On-site Monitoring	DCPS	April 22, 2010	July 21, 2010
Nonpublic On-site Monitoring	DCPS	May 3, 2010	August 3, 2010
Nonpublic On-site	DCPS	May 3, 2010	August 3, 2010

District of Columbia Office of the State Superintendent of Education (OSSE)

Monitoring Activity	Name of LEA	Date of Discovery of Noncompliance	Date of Notification to LEA
Monitoring			
Nonpublic On-site Monitoring	DCPS	May 6, 2010	August 6, 2010
Nonpublic On-site Monitoring	DCPS	May 10, 2010	August 10, 2010
Nonpublic On-site Monitoring	DCPS	May 13, 2010	August 13, 2010
Nonpublic On-site Monitoring	DCPS	May 27, 2010	August 27, 2010
LEA On-site Monitoring			
LEA On-site Monitoring	DCPS	May 7, 2010	October 1, 2010
LEA On-site Monitoring	Maya Angelou PCS	May 11, 2010	August 11, 2010
LEA On-site Monitoring	Community Academy PCS	May 13, 2010	August 13, 2010
Database Review (Secondary Transition)			
Database Review (Secondary Transition)	Capital City PCS	March 10, 2010	March 19, 2010
Database Review (Secondary Transition)	DCPS	March 10, 2010	March 19, 2010
Database Review (Secondary Transition)	Excel Academy PCS	March 10, 2010	March 19, 2010
Database Review (Secondary Transition)	Hyde Leadership PCS	March 10, 2010	March 19, 2010
Database Review (Secondary Transition)	IDEA PCS	March 10, 2010	March 19, 2010
Database Review (Secondary Transition)	Maya Angelou PCS	March 10, 2010	March 19, 2010
Database Review (Secondary Transition)	National Collegiate Preparatory PCS	March 10, 2010	March 19, 2010
Database Review (Secondary Transition)	Options PCS	March 10, 2010	March 19, 2010

District of Columbia Office of the State Superintendent of Education (OSSE)

Monitoring Activity	Name of LEA	Date of Discovery of Noncompliance	Date of Notification to LEA
Database Review (Secondary Transition)	SEED PCS	March 10, 2010	March 19, 2010
Database Review (Secondary Transition)	WMST PCS	March 10, 2010	March 19, 2010
Database Review (Secondary Transition)	Young America Works PCS	March 10, 2010	March 19, 2010
Database Review (Secondary Transition)	DCPS	June 4, 2010	June 15, 2010
Database Review (Secondary Transition)	DYRS	June 4, 2010	June 15, 2010
Database Review (Secondary Transition)	Friendship PCS	June 4, 2010	June 15, 2010
Database Review (Secondary Transition)	IDEA PCS	June 4, 2010	June 15, 2010
Database Review (Secondary Transition)	Options PCS	June 4, 2010	June 15, 2010
Database Review (Secondary Transition)	SEED PCS	June 4, 2010	June 15, 2010
Database Review (Secondary Transition)	WMST PCS	June 4, 2010	June 15, 2010
Database Review (Timely Evaluations)			
Database Review (Evaluations)	Academy for Learning Through the Arts PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	ATA PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	Capital City PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	Center City PCS	March 19, 2010	June 7, 2010
Database Review	Community	March 19, 2010	June 7, 2010

District of Columbia Office of the State Superintendent of Education (OSSE)

Monitoring Activity	Name of LEA	Date of Discovery of Noncompliance	Date of Notification to LEA
(Evaluations)	Academy PCS		
Database Review (Evaluations)	DCPS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	DC Preparatory Academy PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	Eagle Academy PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	E.L. Haynes PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	Friendship PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	Hope Community PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	Howard Road Academy PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	Hyde Leadership PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	IDEA PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	Imagine SE PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	Mary McLeod Bethune PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	Maya Angelou PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	Options PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	Potomac Lighthouse PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	SAIL PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	SEED PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	Thea Bowman Preparatory PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	Tree of Life PCS	March 19, 2010	June 7, 2010
Database Review (Evaluations)	Two Rivers PCS	March 19, 2010	June 7, 2010
Database Review	WMST	March 19, 2010	June 7, 2010

District of Columbia Office of the State Superintendent of Education (OSSE)

Monitoring Activity	Name of LEA	Date of Discovery of Noncompliance	Date of Notification to LEA
(Evaluations)			
Database Review (Evaluations)	Young America Works PCS	March 19, 2010	June 7, 2010
State Complaints			
State Complaint (08-005)	DCPS	July 12, 2010	July 12, 2010
State Complaint (09-004)	DCPS	July 20, 2010	July 20, 2010
State Complaint (09-012)	DCPS	July 16, 2010	July 16, 2010
State Complaint (09-014)	DCPS	July 27, 2010	July 27, 2010
State Complaint (09-015)	DCPS	August 23, 2010	August 23, 2010

Secondary Transition

OSSE's review of a sample of 100 IEPs for required secondary transition content for the fourth reporting period was completed on September 8, 2010. DSE notified LEAs of the findings of this review on September 14, 2010. Through this process, OSSE issued findings of noncompliance to ten of the 11 LEAs reviewed. These reports provide written notification to LEAs to correct identified noncompliance as soon as possible and in no case later than one year from identification. These reports also include corrective action plans for LEAs pursuant to each identified area of noncompliance. The 11th LEA met the compliance level of 100%.

OSSE did not meet target benchmark of 85% of IEPs reviewed containing required secondary transition content. Two percent (2%) of IEPs reviewed included the required secondary transition content.

III. Certification

This report reflects OSSE's good faith efforts in reporting accurate and reliable data to the extent possible and was reviewed by several members of the OSSE to ensure a full and comprehensive submission.

The District of Columbia Assistant Superintendent of Special Education, Tameria Lewis, hereby certifies that this report is complete and appropriate for submission to the Office of Special Education Programs.